

HOUSE No. 1496

By Mrs. Canavan of Brockton, petition of Christine E. Canavan and others for legislation to ensure adequate nursing staffs in nursing homes. Elder Affairs.

The Commonwealth of Massachusetts

PETITION OF:

Christine E. Canavan	Anthony J. Verga
Joyce A. Spiliotis	Edward G. Connolly
Lida E. Harkins	Susan C. Fargo
Ellen Story	Brian Paul Golden
David Paul Linsky	David L. Flynn
Cleon H. Turner	Mark J. Carron
Shirley Gomes	Kathleen M. Teahan
Timothy J. Toomey, Jr.	Walter F. Timilty

In the Year Two Thousand and Five.

AN ACT REQUIRING NURSING HOMES TO MAINTAIN SAFE STAFFING LEVELS
TO PROTECT THE HEALTH AND SAFETY OF RESIDENTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 SECTION 1. The Division of Health Care Quality within the
2 Department of Public Health shall, in consultation with the Advi-
3 sory Council on Quality of Care in Nursing Homes, revise and
4 promulgate long term care facility regulations that increase the
5 minimum staffing levels for licensed nursing personnel and ancil-
6 lary nursing personnel, subject to appropriation. Said regulations
7 shall establish minimum staffing levels that provide for no less
8 than 4.1 hours of direct nursing care per resident per day.
9 Said regulations shall be promulgated within 90 days of pas-
10 sage of this act. Thirty days prior to promulgations a draft of said
11 regulations shall be submitted to the chairs of the joint committee
12 on health care for review and comment.

1 SECTION 2. Chapter 111 of the General Laws, as appearing in
2 the 1998 Official Edition, is hereby amended by adding after
3 section 72Y the following two sections:

4 Section 72Z. (a) Effective January 1, 2003 every long term care
5 facility shall post daily for each shift the current number of
6 licensed and unlicensed nursing staff directly responsible for resi-
7 dent care in the facility. Said information shall be posted in con-
8 formity with the requirements of 42 United States Code section
9 1395i-3(b)(8).

10 Section 72AA. (a) The department shall promulgate regulations
11 which shall impose a civil monetary penalty upon any facility that
12 fails to meet staffing requirements set forth in its regulations.

13 (b) The department shall promulgate regulations which shall
14 impose a civil monetary penalty upon any facility that fails to
15 meet the posting and publication requirement set forth in Section
16 72Z of this chapter.